



OCT 03 2001

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In re Application of HIRANO et al
U.S. Application No.: 09/889,088
Int. Application No.: PCT/EP00/11288
Int. Filing Date: 10 November 2000
Priority Date: 12 November 1999
Attorney Docket No.: PHJP000026 US
For: LIQUID CRYSTAL DISPLAY DEVICE

DECISION

This is in response to the papers filed 11 July 2001, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 10 November 2000, applicants filed international application PCT/EP00/11288, which claimed priority of an earlier Japan application filed 12 November 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 25 May 2001. The twenty-month period for paying the basic national fee in the United States expired at midnight on 12 July 2001.

On 11 July 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, authorization to charge the basic national fee required by 35 U.S.C. 371(c)(1) and a declaration signed by three of the four joint inventors and also signed by the legal representative of inventor Takeo Kamiya, who according to the declaration is deceased.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

In the present case, the declaration filed 11 July 2001 is not in full compliance with 37 CFR 1.497(b)(2). It is further noted that the name of the fourth inventor is listed as "Shuji Hagino" in the declaration but is listed as "Hagino Shuji" in the international application. In the event the information in the international application is incorrect, a proper petition under 37 CFR 1.182 and the requisite \$130.00 petition fee must be filed. Such a petition must be accompanied by statements from the inventor and any other persons having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered and must also set forth that the mistake was an inadvertent error without deceptive intent.

CONCLUSION

For the reasons above, the request for status is DISMISSED without prejudice.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. The response should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42" and must include an oath or declaration in compliance with 37 CFR 1.497 and the surcharge set forth in 37 CFR 1.492(e). Extensions of time are available pursuant to 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.


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